

MEETING #27 – July 10

At a Regular Meeting (#1) of the Madison County Board of Supervisors on July 10, 2018 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Charlotte Hoffman, Member
Amber Foster, Member
Jack Hobbs, County Administrator
Mary Jane Costello, Asst. County Administrator/Finance Director
Frank Thomas, Interim County Attorney
Jacqueline S. Frye, Deputy Clerk

ABSENT: Kevin McGhee, Member

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that a quorum was established.

Chairman Jackson called for the following additions to today's Agenda:

- *2a - Leather's Lane*
- *2b - Forest Drive*
- *Move Item 8A - Report on Potential Opioid Litigation to Item 12A Closed Session (2.3-3711(A)(7))*

Supervisor Hoffman moved that the Agenda be adopted as presented, seconded by Supervisor Foster.

Discussion:

- *Supervisor Weakley: Questioned that the Agenda should be adopted 'as amended' (not presented)*

Supervisor Hoffman amended the original motion to Adopt the Agenda 'as amended', seconded by Supervisor Foster.

Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).

2. Public Comment:

Chairman Jackson opened the floor for public comment no related to:

a) Leather's Lane or:

b) Forest Drive

The following individual(s) provided comment(s);

- Tamara Goughnour: Comments pertained to the poor condition of Ryder Hollow Lane (in Etlan) [roadway has flooded several times]

Joel DeNunzio (VDOT) was present and took account of the concerns being presented on the aforementioned road.

Chairman Jackson then opened the floor for public comment on:

a) Leathers Lane

- John Beveridge (415 Leathers Lane): Comments pertained a recent land purchase and the current lawsuit regarding the existing road; desires that Madison County remain 'as is'; concerned about the spraying of pesticides (by a resident) in the area which hinders growing of vegetables and berries in the area), and is being done without any permits having been attained; encouraged support (from the County) to request that spraying (of pesticides) be discontinued until a resolution can be attained; referred to the attainment of a Fire Wise Program grant (by a resident) w/o permission from all residents [grant has been pulled]; questioned why it's so important that the roadway be widened. ; also questioned why it's so important that the roadway be widened and turned into a paved road
- Jackie Sue Graves: Noted that (18) residents have now signed the petition (increased from 14); concurred with aforementioned comments; that has been presented; many properties have been sprayed w/o the permission of property owners - encouraged that spraying of pesticides be stopped (i.e. hinders growing of vegetables and picking of wild berries in the area); referred to the proposed roundtable discussion on August 1st, and that some residents will be unable to attend - asked that all residents be given the opportunity to attend and voice their concerns; asked the County to provide assistance if at all possible
- Mark (Joseph) Gulas (338 Leathers Lane): Advised that the spraying of pesticides has affected his ability to continue organic gardening or picking of any berries; concerned that the spraying of pesticides will also affect the overall health of the pets within the area.

Chairman Jackson questioned if the Board will need to adopt today's letter as presented.

The County Administrator advised that the County hasn't officially presented anything (to the residents) in written format for review.

Additional Comments from the Board:

- *Chairman Jackson: Verbalized that several calls and/or emails are received daily on the issue involving Leathers Lane; referred to the fact that spraying is taking place on County property in the right-of-way; suggested that a letter be sent to all property owners to advise of a proposed meeting on August 1st to discuss issues as presented in order to attain a resolution; all concerns are asked to be provided to the County Administrator in writing by email and/or regular mail delivery prior to August 1st; session will also include Supervisor McGhee and a VDOT representative*

Clarissa Berry, Commonwealth Attorney, was present and referred to pending charges that are currently in place.

Supervisor Weakley: Clarified that following the last closed session, the Board stated that there is to be no activity by any parties along Leathers Lane; also noted that registration and certification is required through the Virginia Department of Agriculture Consumer Services to be a licensed applicator to spray on property other than your own private property; also noted that individuals to have property rights

After discussion, it was noted that a discussion will be scheduled for August 1st between all property owners, Chairman Jackson, Supervisor McGhee, and Sean Gregg, Interim County Attorney. All parties will be asked to bring copies of all supporting documentation for review and discussion at that time.

Additional comments from citizens:

- Mr. Beveridge advised that in contacting the Department of Agriculture, a message has been left regarding the unwarranted spraying of pesticides.
 - Ms. Graves noted that numerous property owners have posted "No Trespassing" orders and have also contacted the Sheriff's Department to report complaints of spraying on their private property.
 - Darryl Whidby: Advised that he has a video and documentation to provide to the Board for review and advisement
- *Supervisor Foster: Encouraged the residents to bring all concerns for review/discussion at the August 1st roundtable discussion; citizen concerns are being reviewed and considered as presented*

b) Forest Drive

Chairman Jackson advised that a letter has been received from Roger and Kem Courtenay regarding the condition of the existing roadway

- Bill Sanford: Concerns focused on the fact that a property owner (who doesn't live on Forest Drive [i.e. owns rental properties]) encouraged the County to remove Forest Drive from the adopted Six Year Road Improvement Plan; the road has no shoulders - suggested the roadway be ditched and paved down to Royal Lane; advised that residents on Royal Lane (about 37) have wreaked havoc on the gravel road; experiences difficulty getting trucks to deliver business supplies to his residence; Woodberry Forest School also uses Forest Drive as an alternate route; threatened to take legal action in the event the County doesn't reinstate the road to the adopted Six Year Road Improvement Plan
- *Supervisor Foster: Questioned the traffic count on Forest Drive*
- Evelyn Sanford: Advised that her family operates a cattle farm on Forest Drive; noted that Billy Hill (property owner) owns (19) rental properties along the roadway, but doesn't reside in the area; recent heavy rains have made the roadway non-passable and difficult for those who ride horses; there are no ditches in place, and the road is in desperate shape (i.e. needs to be crowned); suggested the road be made safe for all residents, emergency vehicles, and school buses prior to the upcoming school year; nothing has been done to the road in over fifteen (15) years

Joel DeNunzio, VDOT, was present and advised that Forest Lane is maintained by the Gordonsville VDOT Office (not Madison County). There has been about \$5,700,000.00 in damages (i.e. roadway and structural) as a result of the recent incidents of flooding, and it will take a while for VDOT to take care of all the issues that remain. He also noted that in order to initiate ditching on a roadway, specific permits will need to be attained before any work can be initiated. A review/assessment will be initiated for Forest Drive. It was also reported that the Greene County sustained the greatest bulk of destruction due to the recent storms.

Comments:

- *Supervisor Weakley: Thanked VDOT for efforts being provided throughout the locality; encouraged VDOT to assess possibly crowning and ditching Forest Drive in order to make it passable*
- *Chairman Jackson: Advised of there being no guarantee that the request to reinstate Forest Drive on the Six Year Road Improvement Plan will be initiated; County resident (Billy Hill) had the same concerns (i.e. riding horses, citizens walking, etc.) as being provided today; accolades provided to VDOT for tending to inquiries about County roads*

- *Supervisor Hoffman: Advised of a 'dip' in Rt. 29S (2nd entrance just past Prince Michele Winery) which may be the result of a sinking culvert*
- Clint Hyde: Referred to the poor condition of Blakey Ridge
- Tamara Goughnour: Noted that Ryder Hollow Lane is almost non-passable; the cement bridge is down to the bedrock on each side

With no further comments being brought forth, the public comment opportunity was closed.

3. Constitutional Officers

4. County Departments

Madison Schools: Karen Allen, School Board member, advised that the new Superintendent has relocated to Madison and is in place; encouraged the Board and citizens to stop by to welcome the Superintendent

Madison Planning Commission: Charles "Mike" Fisher, PC member, was present and advised that the Commission is working on an ordinance for commercial solar farms; Culpeper County is compiling an impact study on how solar farms affect adjoining properties; Commission is also working on reviewing the Zoning Ordinance and assessing what (if any) content needs to be removed; joint public hearing scheduled for August 1st to discuss Article 20-203A (Use - Seasonal or Brief); next workshop session slated for July 19th at 7:00 p.m.

5. Reports from Committees & Organizations:

a. Work session on Potential VDOT Smart Scale Projects: Nathan Umberger, VDOT

Nathan Umberger, VDOT was present to introduce Stuart Sandberg and Chuck Proctor. Highlights focused on the prior presentation (Pratts, Fairgrounds Road, Shelby Road) and smart scale funding. Additional input focused on the fact that data shows the Pratts location as the 2nd highest crash location within the County, and the fact that this warrants initiation of the proposed project. Emphasis was also made on the Corridor project (i.e. can be split into various pieces), additional funding for the Shelby Road project, and that Fairgrounds Road can be considered as a 'stand-alone' project. The deadline to submit applications is August 1st, in order to be considered for state funding.

Stuart Sandberg, was present and advised that input will be sought from the Sheriff's Office and school system on the proposed projects; modifications may be initiated for the application for Fairgrounds Road. Additional highlights focused on the following:

Application #1: Focused on various projects (i.e. Corridor) along Route 29 (i.e. North of Fairgrounds Round to the south [Rt. 230]), and will require left turns off Rt. 29; process will call for finalization of the proposed concepts (from the County), and will require a public hearing to be scheduled; traffic light at the school may remain and be utilized

Application #2: Focused on the area of Pratts and is noted as the 2nd highest crash site in the locality; roundabout is being proposed for this area

Application #3: Focused on Fairgrounds Road project; traffic light at the intersection of Main Street and Rt. 29; buses will need to re-routed

In closing, it was noted that all designs are being done to initiate interstate traffic flow.

Comments from the Board:

- *Supervisor Foster: Questioned how the proposed changes to Fairgrounds Road will accommodate the buses that utilize that route*

Mr. Sandberg noted that concerns were verbalized from school officials; the proposed changes will call for a re-routing of the buses; an assessment of configurations will be discussed in order to address points that were raised.

- *Chairman Jackson: Verbalized no issues with the proposed roundabout, but did express concerns about the proposed changes along Route 29; questioned if the proposed projects will be an asset to local citizens or whether the proposal is just a change by VDOT to allow traffic to travel along Route 29 faster (i.e. elimination of the existing stoplights); also feels there will be much public concern about the proposed projects (i.e. Shelby Road, Fairgrounds Road, Rt. 29 Corridor) and whether the areas will allow enough space for large vehicles when making the proposed turns*

Mr. Umberger clarified that the projects being proposed will manage safety concern, and are available solutions as opposed to installing overpasses, which may not address the safety that are currently in place or be funded. It was also clarified that today's proposals aren't 'being pushed' upon the County, but are viable options based on concerns being presented (i.e. removal of stoplights, improve traffic flow, enhance safety, etc.).

Chairman Jackson called for comments from the public:

- Evelyn Sanford: Verbalized agreement with concerns presented that pertained to large vehicles being forced to accommodate the proposed projects (i.e. J-turn, left turns, etc.)

Chuck Proctor, VDOT, was present and advised that the County will be submitting the application, with the assistance of VDOT, by the August 1st deadline. In the event the County elects not to take advantage of the proposal, there will not be another opportunity to apply until 2023-2025. During the design phase, VDOT can receive public feedback and assess the option to make modifications to the proposals; however, once a project is funded, VDOT has the option to shift funding over the next six (6) years.

- *Supervisor Weakley: Referred to the comment that components can be modified based on public input; suggested the timetable be moved up for a public hearing; encouraged that residents and commercial entities (i.e. local haulers) be given the opportunity to provide feedback on the proposed Shelby Road project; also feels that installing yellow flashing arrows will help with the pattern and allow a left turn at Fairgrounds Road as opposed to making vehicle wait until the light runs through the entire cycle*

The County Administrator questioned the approval cycle process in the event the County made application for the proposed project for Shelby Road, to which Mr. Proctor advised that funding wouldn't be approved until June 2019 and submitting an application doesn't guarantee that funding will be approved.

It was further noted that funding wouldn't be approved until around June 2019, and that submitting an application doesn't guarantee funding will be approved.

After discussion, it was the consensus of the Board to review the proposed documentation for the next two (2) weeks and to request that VDOT representatives return to the next meeting session to provide more finalized details (i.e. funding) on the projects being proposed for Madison County.

Mr. Umberger noted that the existing signals block site distance, as opposed to the new versions being used; expense will increase if these signals are removed from the existing medians in areas where site distance is affected. In closing, it was noted that the newer signals can be turned off in the event there are issues.

Further discussions focused on the mechanism that manages light changes for vehicles in the left turning lanes, and whether there are written comments from law enforcement and school personnel regarding the proposed project locations.

- Tina Weaver, Madison County Schools, was present and expressed concerns about what would transpire during school athletic events (at Fairgrounds Road) and whether the proposed changes will cause a back-up along Route 29; concerns were also expressed about the probability of buses having to go right (off Fairgrounds Road) and make a U-turn back onto Route 29 without any available stopping pattern in place

The County Administrator advised that several comments have also been made regarding the proposed roundabout at Pratts. No major concerns were verbalized about the proposed J-turn at Shelby Road with the exception of the need for additional funding.

In closing, it was suggested that the Board attain input from the Sheriff and school officials.

6. Finance: Mary Jane Costello, Director of Finance/Asst. County Administrator, advised that the County processed claims for two (2) fiscal years. Today's claims are split between FY18 close-out (through August 2018) and FY19.

a. Claims

Post Year FY18

\$ 24,024.39 (7'6'18)

\$ 97,129.02 (7'10'18)

\$121,153.41

FY19

\$454,026.72 (7'6'18)

\$ 11,436.67 (7'10'18)

\$465,463.39

Highlights:




FY18:

- \$39,000.00 - Waste Management Services, Inc.
- \$28,000.00 - Wingate Appraisal Services

Questions on expenditures for:

- Central Virginia Regional Jail (i.e. true up)
- David Jacobs Publishing
- Civil War Trails

Ms. Costello noted the following:

-  Central Virginia Jail: 1st quarterly payment (nothing heard about a true up at this time)
-  David Jacobs Publishing: Outdoor magazine advertisement
-  Civil War Trails: Annual membership fee

FY19

Three (3) claims make up 78% of the balance being presented:

- \$209,513.00 - Central Virginia Regional Jail
- \$100,000.00 - Madison County Volunteer Rescue Squad
- \$52,575.00 - 1st quarterly payment to Madison County PRA

FY18 Post Year

Supervisor Foster moved that the Board approve FY2018 post year claims totaling \$121,153.41 as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

FY19

Supervisor Weakley moved that the Board approve FY19 claims totaling \$465,463.39 as presented, seconded by Supervisor Foster.

- *Supervisor Weakley: Accolades to Roger Berry, Facilities Director for research on the past month's utility bill(s)*

Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).

b. Preliminary Projections of Year End CSA Expenditures: Ms. Costello provided a document to denote figures for CSA during FY18 that showed a positive outcome.

**Madison County
3 Year Spending Trend
Children's Services Act
FY2016 to FY2018
(estimated)**

	Fiscal2016			Rscal2017			Fiscal2018		
	Original	Final	Year-end	Fina			Original	Anal	Year-end
	Budget	Appropriations	Actual	Original Budget	Appropriations	Year-end Actual	Budget	Appropriations	Estimate
<i>Total Expenditures</i>									
Total CSA Expenditures	2,500,000	3,460,469	3,465,022	3,000,000	3,555,653	3,374,910	3,500,000	3,045,455	2,071,616
Madison county Local Share	938,094	1,281,620	1,276,965	980,000	1,241,204	1,197,195	1,150,000	1,000,000	701,893.00
<i>Change from prior Year</i>									
Total CSA Expenditures				500,000	95,184	(90,112)	500,000	(510,198)	(1,303,294)
Madison County Local				41,906	(40,416)	(79,770}	170,000	(241,204)	(495,302)

- *Supervisor Hoffman: Advised that CSA now has (31) kids in foster care, as reported at the recent meeting*

Tiffany Woodward, CSA Director, was present and advised that local foster families are now being sought (through a therapeutic placement agency) as opposed to non-local residential treatment placements; efforts being made to keep children in the community and with their families; parent mentoring and therapeutic measures being provided; preventative services now being utilized that produce a significant savings (to the County); many adoptions are no win place (i.e. nine [9]) with the assistance of the new Adoption Worker

- *Supervisor Weakley: Noted that Skyline CAP will take advantage of funding through the Healthy Families Program; also noted that a new Executive Director has been hired by Skyline CAP*

Additional highlights focused on:

- ✓ Healthy Families Program as being a viable tool for DSS in the past
- ✓ Anticipated savings to the general fund from CSA

7. Minutes: June 26 and July 6, 2018 Meetings

June 26th (#25)

Supervisor Weakley moved that the Board approve Minutes for June 26, 2018 meeting as presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, Foster. Abstain: Hoffman. Absent: McGhee. Nay: (0).*

July 5th (#26)

Supervisor Foster moved that the Board approve Minutes for July 5, 2018 meeting as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

8. Old Business:

a. Potential Opioid Litigation: *(To be discussed in Closed Session 12a)*

b. Appointment to the Rappahannock River Basin Commission: The Board was advised that no applications have been received for the appointment, despite having been advertised for two (2) weeks.

- *Supervisor Weakley: Advised that he will continue to fill the position through the remainder of 2018; also noted that on occasion, he has to miss a meeting session*

c. Request for County Attorney Services Proposal: The County Administrator referred to comments received in regards to the proposal for County Attorney Services. A final draft was provided for review along with an advertising plan. The Board was encouraged to advertise immediately and ask that proposals be received by August 13th, which would allow for resumes' to be reviewed, and interviews to be scheduled by August 28th.

Comments:

- *Supervisor Foster: Verbalized favor and support of the document as presented*

The County Administrator noted that should anything arise, an adjustment can be made accordingly.

After discussion, it was the consensus of the Board to advertise using the timeline as proposed by the County Administrator.

9. New Business:

a. Relocation of the Etlan Voting Precinct: The Interim County Attorney noted that due to changes in the United States Supreme Court pertaining requests to change voting precinct locations, it's no longer necessary to attain approval from the Department of Justice. Although guideline 4b (within the voting rights act) has now been removed, it could be reinstated.

In closing, it was noted that the proposed change will need to be advertised for a public hearing. It was also noted that state guidelines for requesting a change in a voting precinct are still intact.

Supervisor Weakley moved that the Board start the process, per request of the Madison Electoral Board, to move the voting for the Etlan precinct from its current location to the Etlan United Methodist Church, seconded by Supervisor Foster. *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

10. Information/Correspondence

a. Status Report on Projects: The County Administrator provided a document that provided highlights on all open County projects:

- Reassessment
- Recodification
- Vehicle Use Policy
- Social Services Building Lease Negotiations
- Radio System Project
- Updated Flood Plain Mapping & Ordinance
- Architectural & Engineering Consultant Procurement
- Personnel Study
- Criglersville Property Personnel Study
- Various Pending Studies Underway and Under Review

11. Public Comment

Chairman Jackson opened the floor for public comment.

The following individual(s) provided comments:

- Clint Hyde: Verbalized disfavor of VDOT proposals; requested the County take a hard look at crash study data for Pratts and Fairgrounds Road; advised that opioid cases in Madison is only four (4) out of 100,000 [as noted on the State website], which doesn't qualify as an epidemic here, as opposed to other localities within the State
- Charles Michael Fisher: Verbalized concerns about fatalities that have occurred at Shelly road (i.e. line of site is poor) and Pratts; also feels that issues could be resolved at Fairgrounds Road by putting a right turning lane in place for vehicles desiring to turn on North 29; also feels that the Madison County Planning Commission needs to be more involved in the proposed projects being discussed by VDOT for the County
- Mary Jane Costello: Commented on the opioid cases for Madison as being only four (4); referred to the number of individuals that may suffer from addiction to opioids which is probably more than four (4), which has yet to be verified

With no further public comment(s) being brought forth, Chairman Jackson closed the public comment opportunity.

Chairman Jackson advised that the Board will need to enter into a closed session.

12. Closed Session

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation on injuries incurred by the County with respect to the sales and marketing of opioid pain killers, where such consultation or briefing in open meeting would adversely affect the negotiation or litigation posture of the public body. *Aye: Jackson, Weakley, Hoffman, Foster.*

Absent: McGhee. Nay: (0).

Chairman Jackson called for a five (5) minute recess.

b. Motion to Reconvene in Open Session:

On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board reconvened in open session, with the following vote recorded: *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(7) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

**As a result of closed session, no action was taken.*

13. Adjourn

With no further action being required, Supervisor Weakley, seconded by Supervisor Hoffman, Chairman Jackson adjourned tonight's meeting. *Aye: Jackson, Weakley, Hoffman, Foster. Absent: McGhee. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: July 24, 2018

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda Regular Meeting

Madison County Board of Supervisors Tuesday,
July 10, 2018 at 4:00 p.m.

County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

**Call to Order****Pledge of Allegiance & Moment of Silence**

1. Determine Presence of a Quorum / Adopt Agenda
2. Public Comment
 - a. *Leathers Lane*
 - b. *Forest Drive*
3. Reports from Constitutional Officers
4. Reports from County Departments
5. Reports from Committees and Organizations
 - a. Work session on Potential VDOT Smart Scale Projects..... Nathan Umberger, VDOT
6. Finance.....Director of Finance/Assistant County Administrator Costello

- a. *Claims*
- b. *Preliminary Projection of Year End CSA Expenditures*

7. Approval of Minutes: *June 26 and July 5, 2018 Meetings*

8. Old Business:

a. *Potential Opioid LitigationInterim County Attorney* ***[To be discussed in Closed Session - Item 12a]***

b. *Appointment to the Rappahannock River Basin Commission.....Deputy Clerk Frye*

c. *Request for County Attorney Services Proposal County Administrator Hobbs*

9. New Business:

a. *Relocation of Etlan Voting Precinct..... Interim County Attorney Thomas*

10. Information/Correspondence

a. *Status Report on Projects..... County Administrator Hobbs*

11. Public Comment

12. Closed Session ***[2.2.3711(A)(7)]***

13. Adjourn